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10/597,355	09/03/2008	Benny Karlsson	53909.830003.US0	9818
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HOLLAND & HART, LLP			MILLER, WILLIAM L	
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DENVER, CO 80201			PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,355	Applicant(s) KARLSSON, BENNY	
	Examiner William L. Miller	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1, 3-5, 7, 10, 14, and 15 are objected to because of the following informalities:
2. Change “which” to --the-- for the following recitations: claim 1, line 1; claim 1, line 3; claim 7, line 3; and claim 10, line 2.
3. Change “exhibits” to --includes-- for the following recitations: claim 1, line 2; claim 3, line 1; claim 4, line 2; claim 5, line 2; claim 10, line 2; claim 14, line 2; and claim 15, line 1.
4. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. In claim 1, line 2, the phrase “or equivalent” renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or equivalent"), thereby rendering the scope of the claim(s) unascertainable.
7. In claim 1, lines 8-9, the phrase “and in a...the receiving part” is grammatically unclear and thus indefinite.
8. Claim 1 is incomplete for failing to recite sufficient structural cooperation between the adjustment device and the hinge, and between the spring-actuated snap element and the hinge. Moreover, the structural integration of the adjustment device and snap element with the hinge is not established.

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9. Claims 6 and 12 are incomplete for failing recite sufficient structure to enable the claimed function of vertical adjustment of the door. It is noted claims 7 and 13 provide sufficient structure.

10. It is unclear if the vertical adjustment device recited in claim 8 is referencing the vertical adjustment device previously recited in claim 7.

11. It is unclear if the upper hinge nut element and lower flanged hinge journal recited in claim 11 are referencing the nut element and journal previously recited in claim 8.

12. In claim 10, line 3, the phrase "for that purpose" is unclear.

13. In claim 14, lines 3-4, the phrase "locking, spring-actuated snap-in...the receiving part (20, 20')'" is grammatically unclear and thus indefinite.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 1, 6, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE4431799 in view of WO 01/84261.

16. Regarding claim 1, DE799 discloses a hinge with a frame part 12 and a door part 1,2 which door part exhibits a holding box 1 for installation on a door and a hinge leaf 3 capable of detachable attachment to the box, which box comprises a lateral recess for the hinge leaf, and present in the box a receiving part 2 for the hinge leaf, characterized in that the box is capable of movement relative to the receiving part through the external influence of an adjustment device 8

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in order to produce lateral adjustment of the box and the door in the plane of the door, perpendicular to the axis of the hinge.

17. DE799 fails to disclose a spring-actuated snap element for the detachable attachment of the position of the hinge leaf in the receiving part. However, WO261 teaches a similar hinge wherein a spring-actuated (resilient material and/or configuration) snap element 4c provides detachable attachment of the hinge leaf 3a in the receiving part 2. Therefore, as taught by WO261, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify DE779 by including a spring-actuated snap element for detachable attachment of the hinge leaf in the receiving part to simplify and facilitate assembly and disassembly of the hinge.

18. Regarding claim 6, the holding box can move relative to the receiving part in a direction parallel to the hinge axis via the adjustment device to permit vertical adjustment of the door.

19. Regarding claim 12, the fit between the knuckles 4,5 of the hinge leaf 3 and the knuckle 20 of the frame part 12 is capable of allowing for a minimal adjustment of the hinge leaf relative to the frame part in a direction parallel to the axis of the hinge to allow for vertical adjustment of the door.

Allowable Subject Matter

20. Claims 2-5, 7-11, and 13-15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is (571) 272-7068.

The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on (571) 272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William L. Miller/
Primary Examiner, Art Unit 3677